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In re Application of :
Rollhaus et al. :
Application No. 10/767,961 : **DECISION ON PETITION**
Filed: January 29, 2004 :
Attorney Docket No. 16489-51304 :

A petition under 37 CFR 1.47 was filed August 18, 2009. However, since this application was granted Rule 1.47 status previously and the declaration filed with the petition is a substitute declaration, 37 CFR 1.47 does not apply. The petition has been treated as a petition under 37 CFR 1.183 to suspend or waive the requirement that all of the inventors sign the supplemental declaration. The substitute declaration was not signed by inventor Irwin Winkler or Barbara Rollhaus as executor of the estate of deceased inventor Philip E. Rollhaus.

The petition is **GRANTED**.

Petitioner has shown that inventor Irwin Winkler and Barbara Rollhaus, as executor of the estate of deceased inventor Philip E. Rollhaus, refused to sign the supplemental declaration after having been presented with the application, claims and related papers. This refusal occurred after reasonable care and diligence was exercised in an effort to obtain their signatures. Accordingly, the requirement that all of the inventors sign the supplemental declaration for the above-identified application is waived in this instance.

As authorized, the \$400 fee for the petition under 37 CFR 1.183 has been assessed to petitioner's deposit account.

This application is being referred to Technology Center Art Unit 2627 for processing in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-6692.

Christopher Bottorff
Petitions Examiner
Office of Petitions